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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DINH, KHANH Q

ART UNIT

PAPER NUMBER

2151

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/635,275	Applicant(s) HISCOCK ET AL.	
	Examiner Khanh Dinh	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-25 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-25 and 27-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the Amendment and Remarks filed on 2/11/2008. Claims 21-25 and 27-30 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-25 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vannucci, USPN 5,459,727 in view of Ying, US pat. No.6,757,521.

As to claim 1, Vannucci discloses a data interface, comprising:

an enclosure having at least one jack (using Privet Branch Exchange PBX with jacks), the enclosure being configured for mounting within a wall cavity such that, after the enclosure is mounted within the wall cavity, the at least one jack is accessible from outside the wall (see fig.1, col.3 lines 12-49);

a user-side communication interface within the enclosure for connection to a personal data device over at least one wired communication connection via the at least one jack and for connection to the personal data device over at least one wireless communication connection (see col.4 lines 24-61 and col.5 lines 1-9),

an infrastructure-side communication interface within the enclosure for connection to a plurality of computer resources (radio stations), the infrastructure-side communication interface being communicably coupled to the user-side communication interface, such that the personal data device can communicate through the user-side communication interface and the infrastructure-side communication interface to at least one of the plurality of computer resources (see fig.2, col.5 lines 10-61); and

a data interface management processor within the enclosure and coupled to the user-side communication interface and the infrastructure-side communication interface and operative to provide information that is useful for a user to the personal data device about at least one of the wired and wireless communication connections between the personal data device (portable user device) and the user-side communication interface (providing with wireless/portable access to permit a user to roam freely over the area served by the wired PBX system, see col.2 lines 48-67, col.5 lines 1- 9 and col.6 line 59 to col.7 line 56), about a communication connection between the infrastructure-side communication interface and at least one of the plurality of computer resources, and about services available from the plurality of computer resources (providing a widespread use for business communications because of its flexibility of allowing one to design specific services in accordance with one's business needs, see col.1 lines 17-36 and col.11 line 31 to col.12 line 12).

Vannucci does not specifically disclose information provided in a form handled by the personal data device to communicatively inform said user sufficiently to enable at least diagnose of said communication connections and services and a wall-mountable data interface. However, Ying

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discloses information provided in a form handled by the personal data device to communicatively inform said user sufficiently to enable at least diagnose of said communication connections and services and a wall-mountable data interface (using the portable electronic diagnostic equipment constructed as a single, integrated device having both diagnostic functionality as well as wireless communication capability with the control network and the ground stations of the wireless diagnostic and control system, the portable electronic diagnostic system can be brought into the maintenance area in a vehicle using the position sensor on the walls, for see abstract, fig.27, col.7 line 32 to col.8 line 47 and col.9 line 34 to col.10 line 44). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Ying's teachings into the computer system of Vannucci to diagnose a control network using a portable device because it would have monitored the position of portable wireless equipment used to diagnose the control network.

As to claim 22, Vannucci discloses the data interface of claim 21, wherein the information about the at least one of the wired and wireless communication connections comprises status information about the wired communication connection and the wireless communication connection between the personal communication device and the user-side communication interface (see col.7 line 57 to col.8 line 55).

As to claim 23, Vannucci discloses the data interface of claim 21, wherein the information about the at least one of the wired and wireless communication connections comprises at least one suggested corrective action that can be taken by a user of the personal data device to correct a

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problem detected by the data interface management processor in at least one of the wired and wireless communication connections (checking for errors in transferring data communication, see fig.3, col.7 line 45 to col.8 line 55 and col.9 lines 5-45).

As to claim 24, Vannucci discloses the data interface of claim 21, wherein the information about the at least one of the wired and, wireless communication connections comprises information about at least one error in at least one of the wired and wireless communication connections (checking for errors in transferring data communication, see fig.3, col.7 line 45 to col.8 line 55 and col.9 lines 5-45).

As to claim 25, Vannucci discloses the data interface of claim 21, wherein the information about the at least one of the wired and wireless communication connections comprises information about at least one corrective action that has been taken to correct a problem in at least one of the wired and wireless communication connections (automatically switching over to a different station with a better path, see col.9 lines 5-57 and col.10 lines 8-44).

As to claim 27, Vannucci discloses the data interface of claim 26, wherein the information about the communication connection between the infrastructure-side communication interface and the at least one computer resource comprises status information about the communication connection between the infrastructure-side communication interface and the at least one computer resource (see fig.3, col.7 line 45 to col.8 line 55 and col.9 lines 5-45).

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As to claim 28, Vannucci discloses the data interface of claim 26, wherein the information about the communication connection between the infrastructure-side communication interface and the at least one computer resource comprises information about at least one error in the communication connection between the infrastructure-side communication interface and the at least one computer resource (see fig.3, col.7 line 45 to col.8 line 55 and col.9 lines 5-45).

As to claim 29, Vannucci discloses the data interface of claim 27, wherein the information about the communication connection between the infrastructure-side communication interface and the at least one computer resource comprises information about at least one corrective action that has been taken to correct a problem in the communication connection between the infrastructure-side communication interface and the at least one computer resource (automatically switching over to a different station with a better path, see col.9 lines 5-57 and col.10 lines 8-44).

As to claim 30, Vannucci discloses the data interface of claim 27, wherein the information about the communication connection between the infrastructure-side communication interface and the at least one computer resource comprises an estimated time by which an error in the communication connection between the infrastructure-side communication interface and the at least one computer resource will be corrected (automatically switching over to a different station with a better path, see col.9 lines 5-57 and col.10 lines 8-44).

Response to Arguments

4. Applicant's arguments filed on 2/11/2008 have been fully considered but they are not persuasive.

- Applicant asserts that the cited references does not disclose a wall mountable.
- *In response to applicant's arguments, the recitation "a wall mountable" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).*
- Applicant further asserts that the cited references does not disclose a wall mountable.
- *Examiner respectfully disagrees. Examiner respectfully point out that Ying discloses a wall mountable (the portable electronic diagnostic system can be brought into the maintenance area in a vehicle using the position sensor on the walls, for see abstract, fig.27, col.7 line 32 to col.8 line 47 and col.9 line 34 to col.10 line 44) as rejected above. As a result, cited prior art does disclose a data interface, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.*

Conclusion

5. Claims 21-25 and 27-30 are rejected.
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Khanh Dinh/
Primary Examiner, Art Unit 2151

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